

CHAPTER 67

BUILDING CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code, except as modified by the provisions of this Chapter.

2. **BUILDING CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, 2009 International Building Code the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited, as the "The Building Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2011-59, October 3, 2011)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2004-23, March 15, 2004)

(Amended, Ordinance No. 2001-57, July 30, 2001)

3. **SUBSTITUTIONS.** (A) Whenever in said Code the words, "name of the jurisdiction" or "jurisdiction" appear in brackets, said Code is modified by removal of said brackets and substitution of the words "the City of Decatur, Illinois," in lieu of the words contained therein, and said Code shall be taken and construed as if such were expressly so set out therein.

(B) Whenever in said Building Code any of the other codes listed first in each of subsections (i) through (iv) hereof is mentioned, such code shall be deleted therefrom and the

code listed immediately thereafter said subsection shall be substituted in lieu thereof, as indicated, and said Code shall be taken and construed as if such latter code were expressly so set out therein: (i) International Electric Code, to be replaced by the National Electrical Code, Edition of the National Fire Protection Association; (ii) International Plumbing Code, to be replaced by the Plumbing Code of the State of Illinois Department of Public Health; (iii) International Private Sewage Disposal Code, to be replaced by the Illinois Private Sewage Code; and, (iv) ICC A117.1 accessibility code, to be replaced by the Illinois Accessibility Code.

(Amended, Ordinance No. 2011-59, October 3, 2011)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2004-23, March 15, 2004)

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Building Inspection Manager or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or similar reference such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the Planning and Building Services Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2000-11, March 13, 2000)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the Board of Appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City (to which appeals of orders, decisions or determinations of the Supervisor may be taken).

6. **DELETIONS.** The following numbered Articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

Section No. (inclusive)

103
105.2 (item #2)
110.3.2
110.3.5
110.3.7
113
501.2
907.1.2 (items 6 through 9 inc.)
1807.1.4
2308.3.3.1

1006.3, item 1, by deleting the last phrase “in rooms and spaces that require two or more means of egress”;

1006.3, items 2 through 5 inc., by deleting the last phrase “in buildings required to have two or more exits”;

1007, in reference to the Illinois Accessibility Code;

1008.1.9.3, item 2;

1008.1.9.10, item 3, delete the last phrase “or a signal by emergency personnel from a single location inside the main entrance to the building”;

1011.1, exception 1;

1014.2.1, exception;

Chapter 11, in reference to the Illinois Accessibility Code;

1008.1.9.4, delete occupancy B from exceptions 3 and 4

(Amended, Ordinance No. 2011-59, October 3, 2011)

(Amended, Ordinance No. 2009-39, May 18, 2009)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2004-23, March 15, 2004)

(Amended, Ordinance No. 2001-57, July 30, 2001)

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) 104.4 by adding "or his or her authorized representative" after the words "building official" in the first sentence;

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(b) 105.2.6 by stating "all driveways and sidewalks above grade and not over any basement or story below" are exempt from a permit and deleting the words "and which are not part of an accessible route";

(c) 105.2.13 by stating "all movable cases, counters and partitions" are exempt from a permit;

(d) 107.1 by adding "and as prescribed in the city *Development Guide*" after the words "construction documents" in the first sentence;

(e) 107.2 by amending reference to the requirements of the Zoning Ordinance and city engineering standards;

(f) 202 by adding "including off street parking lots" to definition of structure;

(g) 1010.9 by adding under (1) "to curb ramp provisions per the Illinois Accessibility Code and city engineering standards;

(h) 1013.3 by adding this sentence "Dividers in guards and handrails shall not create a ladder effect";

(i) 1809.5.1 by amending to read "Footings shall extend to a minimum depth of 36 inches below final grade";

(j) 1913.4.3 by substituting the words "building official" for the words "design professional";

(k) All Appendices shall likewise be deleted with the exception of Appendix I, Patio Covers, which is hereby expressly included; and,

(l) Where terminology in the body of the Code reads "by the fire code official" change to read "by the code official";

(m) 1006.3, item 1, by adding “including common use restrooms, dressing rooms and locker rooms”;

(n) 1006.3, item 2, by adding “and vestibules”;

(o) Carbon monoxide detectors shall be installed in accordance with Illinois Public Act #094-0741;

(p) Table 508.2.5, storage rooms greater than 100 sq. ft shall be separated from other spaces by one hour fire barriers or have automatic fire suppression systems; and,

(q) 903.4.2, change “alarm devices shall be provided on the exterior of the building in an approved location” to “alarm devices shall be provided on the interior and exterior of the building in approved locations.”

(Amended, Ordinance No. 2011-59, October 3, 2011)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2004-23, March 15, 2004)

(Amended, Ordinance No. 2003-28, May 27, 2003)

8. **APPLICATION FOR PERMIT.** Application for a permit required by said Code or this Chapter shall be made by the owner or the person or entity in or entitled to possession of the premises where the proposed work is to be done, or by the agent of either, or by the engineer, architect or contractor connected with such work.

9. **FEE.** The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:

(a) For all permits other than those particularly specified herein said amount shall be based upon the value of the proposed work in amounts as follows:

<u>WORK VALUE</u>	<u>FEE</u>
\$ 0 - \$2,000	\$35
\$2,001 - \$3,000	\$45

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\$3,001 - \$5,000	\$50
\$5,001 - \$1,000,000	\$50 plus \$5 for each \$1,000 or fraction thereof over \$5,000
Over \$1,000,000	\$5,025 plus \$4 for each \$10,000 or fraction thereof over \$1,000,000

(Amended, Ordinance No. 2011-59, October 3, 2011)
(Amended, Ordinance No. 96-38, June 17, 1996).

(b) For permits to demolish structures the amount shall be as follows:

1 - 4 Unit Residential Structures	\$50
Buildings which are accessory to residential structures (garages, sheds, etc)	\$25
Other	\$50 or per work value as listed in item (a) above, whichever is greater

(Amended, Ordinance No. 96-38, June 17, 1996).

(c) For permits to erect new one or two-family residential structures, room additions to such structures, accessory buildings to such structures, or additions to accessory structures the amount shall be as follows:

Square footage of finished living space x \$.25 plus square footage of unfinished space (includes basements, garages, decks, porches and other accessory) x \$.15, minimum fee shall be \$50. (Amended, Ordinance No. 2011-59; Ordinance No. 96-38)

(d) For permits to alter or repair one and two family residential structures or residential accessory buildings, the amount shall be as follows:

Building/structural alteration or repair	\$50
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(Amended, Ordinance No. 2011-59; Ordinance No. 96-38)

(k) Two (2) plan reviews for other than one and two family dwellings shall be included in the permit fees. After the second review, there shall be a fee of \$100 for each subsequent review. (Amended, Ordinance No. 96-38, June 17, 1996).

10. **WORK DONE WITHOUT PERMIT.** Should any work for which a permit is required be commenced or be done before such permit is issued and obtained, the required permit may nonetheless be issued for such and subsequent work; however, the amount of the required fee as provided herein for all work, both that commenced before and that proposed to be done after said permit is issued, shall be double that otherwise so provided, and issuance of such permit shall not, and shall not be, and shall not be construed to be, an excuse from, or waiver of, or defense to or absolution from any penalty, liability or action otherwise provided for in said Code or this Chapter but shall be cumulative of and in addition thereto.

11. **SITE IMPROVEMENT BOND.** Notwithstanding any other provision of this Chapter or any other ordinance of the City, whenever site improvements are shown, or required to be shown, on plans upon which a building permit is, or building permits are, to be issued, the applicant for such permit, before the same is issued, may be required to furnish to the City, to be filed with the Public Works Department, a bond with penalty in an amount approved by the Public Works Department to be sufficient to pay the costs of such improvements in event of default, and in form and with security approved by the Corporation Counsel and conditioned upon the furnishing, installation and construction of said site improvements in compliance with said plans and with applicable ordinances, rules, regulations and standards within a reasonable period to be determined by said Public Works Department not to exceed two years from the date of such bond; provided, that successive bonds for additional periods may be authorized by the Public Works Director, upon reasonable request; and provided, further, that in the event such

permit is, or such permits are, issued without such bond being so furnished, and without regard to the progress, stage or extent of performance of work or completion thereunder, such permit or permits may be revoked and all work thereunder stopped until such bond is so furnished, approved and filed; and provided, further, that no such bond shall be required hereunder for improvements the furnishing, installation or construction of which are a part of the condition of a bond furnished pursuant to the requirements of the provision of an ordinance other than this Code, or the permit or permits are for the construction of a single or two family dwelling being built separately and not as a part of the development of a group of such dwellings.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-63, July 17, 2000)

12. BOND RULES AND REGULATIONS. The City Manager is hereby authorized to promulgate and enforce by administrative order rules and regulations for the administration of the provisions of Section 12 of this Chapter, which rules shall include provisions by which it may be determined when such bonds shall or shall not be required considering the cost, type and extent of improvements to be required, the cost, type and character of the development or improvements for which the permit, or permits, may be requested, and such other reasonable objective considerations as may be necessary or desirable to administer said provisions to carry out the intention and purpose of the same. Any person affected by the application and enforcement of such rules may request review by the Council by, within ten days from the date of any decision thereunder, filing such request in writing with the City Clerk specifying the decision sought to be reviewed.

13. SIGNS. Billboards, sign boards and electrical signs shall be subject to provisions of the Zoning Ordinance of the City. The owner or person in control of a display sign suspended over a street or extending into a street more than fifteen (15) inches beyond the building line,

shall file with the City a public liability insurance policy with the City as the named insured, indemnifying the City against loss or damage to person or property in the minimum amount of One Million Dollars (\$1,000,000) per occurrence, combined single limit, and Two Million Dollars (\$2,000,000) aggregate, with a provision that the same may not be canceled except after thirty (30) days prior notice to the City. (Amended, Ordinance No. 96-48, July 15, 1996).

14. **DEMOLITIONS.** Application is to be presented to the Construction Inspections Division along with the proper fee. A permit will not be released and work is not to commence until said Division has received verification that all utilities (electric, gas, water, sewer) have been satisfactorily removed and / or disconnected from structure. Masonry foundations must be removed to at least three (3) feet below grade before backfilling. In the case of residential properties, all accessory structures must also be removed from the lot where a main residential structure is removed. It is the responsibility of the applicant to comply with all local, state, and federal regulations regarding removal and disposal of demolition debris.

(Amended, Ordinance No. 2007-19, April 2, 2007)

15. **CONCESSIONS** (Temporary Restaurants). (Amended, Ordinance No. 2011-59)

(a) Definition – establishments within a movable, temporary building, or mobile trailer or similar vehicle created for seasonal sales of food or confections. Concessions erected for an event of four days duration or less are not subject to these requirements. Concessions shall be allowed to operate only between March 15 and November 30 of each calendar year.

(b) Permit – any concession that wishes to operate within City limits must first obtain a permit from the Building Inspections Division, Department of Planning and Building Services.

(c) Inspection – concessions must pass inspection by the aforementioned division prior to opening for business.

(d) Electrical – any electrical services required to operate a concession must be installed by a City Licensed Electrical Contractor.

(e) Restrooms – restroom facilities (toilet and lavatory) must be available for employees and customers and must be located within 300 feet of the concessions. If the restroom is located inside an adjacent building, a written agreement with the owner of that building must be presented to the Building Inspections Division.

(f) Fire Extinguishers – if the concession utilizes any grilling or frying, a Class K fire extinguisher must be in a visible location mounted on hangers or brackets.

(g) Outdoor cooking – appliances for outdoor cooking shall not be located less than ten feet from the facility or any other combustible surfaces.

(h) Location – the concession must be located on property zoned B-2 Commercial District or M-1 Intense Commercial District. The concession facility cannot displace any required parking spaces.

(i) Removal – the building trailer, or other vehicle used as a concession must be removed from the front yard setback between December 1 and March 14 of each calendar year.

16. **RISK OF INJURY.** Whenever application for a permit indicates that a part of a public way or other property of the City will be used for storage of material, or be closed, or otherwise used appurtenant to the work to be done under such permit, or application is made for a permit to move a building or structure, or application is made for a permit to demolish a building or structure other than one not exceeding 20 feet in height above grade and with a minimum separation from the nearest other existing structure of five feet and the nearest property line of a public way of not less than ten feet, if by reason of the size, condition, or location thereof it appears to the building official there will exist the possibility or risk of injury to

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persons or property, such official may withhold such permit unless there is on file with the Finance Department an enforceable contract of insurance, with the person or the entity that is to perform the work and the City as named insured, affording coverage for each occurrence of personal injury of not less than \$500,000 and for property damage of not less than \$100,000 and expressly provided that the same remain in effect for the term thereof absent written notice of cancellation received by said Clerk, in which event said permit shall automatically terminate to the same extent as if the same had been physically withdrawn and canceled.

17. **PENALTY.** Any person or entity that erects, constructs, alters, repairs, removes or demolishes a building or structure without a permit required by said Code or this Chapter, or in departure from or not in compliance with an approved plan, or that uses or occupies a building or structure, or part thereof, contrary to the provisions of this Code or without a required permit, whether or not notice is received that such is a violation, or that continues work after a stop-work order has been issued, served or posted, or that removes such a posted order, or that procures or causes another to do, or to omit, as the case may be, any of the foregoing, or that having been given notice thereof otherwise violates or fails to comply with the provisions of said Code or this Chapter shall upon conviction of any such offense be fined no less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense. (Amended, Ordinance No. 2011-75, October 31, 2011)

18. **OTHER REMEDIES.** The penalties provided herein are and shall be cumulative of and in addition to any other remedy, or remedies, provided for in said Code of this Chapter.

19. **RE-INSPECTION FEES.** A re-inspection fee of \$30.00 shall be assessed against the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons:

1) the work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made;

2) The inspection reveals that there are violations which should have been found and corrected by workers while simply checking their work before calling for an inspection;

3) the work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made;

4) The Inspector is unable to gain entry at the time requested by the contractor; or

5) When previously noted violations have not been corrected.

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the

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defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section of this Chapter.

No certificate of occupancy shall be issued for any building for which re-inspection fees are unpaid.

20. WITHHOLDING OF PERMITS. Building permits may be withheld from permit applicants, or in the case of combined permits from the licensed subcontractor, who is in violation of Chapters 67, 67.2, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought. (Amended, Ordinance No. 2011-59, October 3, 2011)

Such violation may include, but shall not be limited to the following:

(a) Failure to arrange for inspections required under Chapters 67, 67.2, 68, 69, and/or 70.1 of the City Code within a reasonable time frame. (Amended, Ordinance No. 2011-59)

(b) Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.

(c) Failure to pay required permit or re-inspection fees.

(d) Failure to obtain a building permit for work which required a building permit.

(e) Failure to take reasonable action to notify and obtain approval from division of changes made to approved building permits.

(f) Falsifying information on building permit applications.

(g) Performance of building permit work under an invalid or voided building permit.

(h) Failure to obtain a required Certificate of Occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or licensed subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or licensed subcontractor of the violations, which if corrected, will allow the City to issue to the permit applicant or licensed subcontractor additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

The withholding of permits as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

21. **SEVERABILITY.** The provisions hereof are, and shall be construed to be, severable and invalidity of any section or provision of this Chapter or the codes and standards hereby adopted shall not invalidate other sections or provisions hereof.

22. **REPEALED.** That existing provisions of ordinances not in conformity with the provisions of this Chapter are, to the extent of such non-conformity, amended, modified or repealed so as to conform with the provisions hereof.